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RCFE Specialty Tool: *Operational Requirements*

The RCFE Specialty Tool for ***Operational Requirements*** provides state licensing requirements in statute & regulations that are related to operating a facility.

This Specialty Tool is intended to be used during Comprehensive Visits in instances where non-compliance with Operational Requirements is identified. This Tool can be used by licensees to self-assess compliance with requirements.

Requirement	Citation
Fire Clearance	
T-22, §87202(a) All facilities shall maintain a fire clearance approved by the city, county, or city and county fire department or district providing fire protection services, or the State Fire Marshal. Prior to accepting or retaining any of the following types of persons, the applicant or licensee shall notify the licensing agency and obtain an appropriate fire clearance approved by the city, county, or city and county fire department or district providing fire protection services, or the State Fire Marshal: (1) Nonambulatory persons. (2) Bedridden persons	T-22, §87202(a)(1)-(2)
Fire Safety	
T-22, §87203 All facilities shall be maintained in conformity with the regulations adopted by the State Fire Marshal for the protection of life and property against fire and panic.	T-22, §87203
Carbon Monoxide Detectors	
H&S §1569.311 Every residential care facility for the elderly shall have one or more carbon monoxide detectors in the facility that meet the standards established in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12. The department shall account for the presence of these detectors during inspections.	H&S §1569.311
Security Window Bars	
H&S §1569.6991 On and after January 1, 1999, no security window bars may be installed or maintained on any residential care facility for the elderly unless the security window bars meet current state and local requirements, as applicable, for security window bars and safety release devices.	H&S §1569.6991
Limitations – Capacity and Ambulatory Status	
T-22, §87204(a) A licensee shall not operate a facility beyond the conditions and limitations specified on the license, including specification of the maximum number of persons who may receive services at any one time. An exception may be made in the case of catastrophic emergency when the licensing agency may make temporary exceptions to the approved capacity.	T-22, §87204(a)
T-22, §87204(b) Resident rooms approved for 24-hour care of ambulatory residents only shall not accommodate nonambulatory residents. Residents whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory residents.	T-22, §87204(b)
Accountability of Licensee Governing Body	

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T-22, §87205(b) If the licensee is a corporation or an association, the governing body shall be active, and functioning in order to assure accountability.	T-22, §87205(b)
Plan of Operations	
<p>T-22, §87208(a) Each facility shall have and maintain a current, written definitive plan of operation. The plan and related materials shall be on file in the facility and shall be submitted to the licensing agency with the license application. Any significant changes in the plan of operation which would affect the services to residents shall be submitted to the licensing agency for approval. The plan and related materials shall contain the following:</p> <ul style="list-style-type: none"> (1) Statement of purposes and program goals. (2) A copy of the Admission Agreement, containing basic and optional services. (3) Statement of admission policies and procedures regarding acceptance of persons for services. (4) Administrative organization. (5) Staffing plan, qualifications and duties. (6) Plan for training staff, as required by Section 87411(c). (7) Sketches, showing dimensions, of the following: <ul style="list-style-type: none"> (A) Building(s) to be occupied, including a floor plan that describes the capacities of the buildings for the uses intended and a designation of the rooms to be used for nonambulatory residents and for bedridden residents, other than for a temporary illness or recovery from surgery as specified in Sections 87606(d) and (e). (B) The grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation area and other space used by the residents. (8) Transportation arrangements for persons served who do not have independent arrangements. (9) A statement whether or not the applicant will handle residents' money or valuables. If money or valuables will be handled, the method for safeguarding pursuant to Sections 87215, Commingling of Money, 87216, Bonding and 87217, Safeguards for Resident Cash, Personal Property, and Valuables. (10) A statement of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code Section 1569.313. (11) If the licensee intends to admit and/or specialize in care for one or more residents who have a documented history of behaviors that may result in harm to self or others, the facility plan of operation shall include a description of precautions that will be taken to protect that resident and all other residents. 	T-22, §87208(a)(1)-(11)
T-22, §87208(b) A licensee who advertises or promotes dementia special care, programming or environments shall include additional information in the plan of operation as specified in Section 87706(a)(2).	T-22, §87208(b)
T-22, §87208(c) A licensee who accepts or retains residents diagnosed by a physician to have dementia shall include additional information in the plan of operation as specified in Section 87705(b).	T-22, §87208(c)
<p>T-22, §87705. (b) In addition to the requirements as specified in Section 87208, Plan of Operation, the plan of operation shall address the needs of residents with dementia, including:</p> <ul style="list-style-type: none"> (1) Procedures for notifying the resident's physician, family members and responsible persons who have requested notification, and conservator, if any, when a resident's behavior or condition changes. (2) Safety measures to address behaviors such as wandering, aggressive behavior and ingestion of toxic materials. 	T-22, §87705(b)

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<p>T-22, §87706(a)(2) In addition to the requirements specified in Sections 87208(a) and 87705(b), the licensee shall include in the plan of operation a brief narrative description of the following facility features:</p> <p>(F) Staff qualifications. Describe the experience and education required for prospective direct care staff who will provide dementia special care.</p>	<p>T-22, §87706(a)(2)(F)</p>
<p>T-22, §87706(a)(2) In addition to the requirements specified in Sections 87208(a) and 87705(b), the licensee shall include in the plan of operation a brief narrative description of the following facility features:</p> <p>(J) Success indicators, including procedures to</p> <p>3. Assess the program's overall effectiveness/success.</p> <p>a. Examples of areas that may be reviewed include incident reports, staffing levels, input from others, and resident participation in program activities.</p>	<p>T-22, § 87706(a)(2)(J)3.a.</p>
<p>H&S §1569.33. (h) As a part of the department's evaluation process, the department shall review the plan of operation, training logs, and marketing materials of any residential care facility for the elderly that advertises or promotes special care, special programming, or a special environment for persons with dementia to monitor compliance with Sections 1569.626 and 1569.627.</p>	<p>H&S §1569.33(h)</p>
<p>T-22, §87606(f) To accept or retain a bedridden person, a facility shall ensure the following:</p> <p>(1) The facility's Plan of Operation includes a statement of how the facility intends to meet the overall health, safety and care needs of bedridden persons.</p> <p>(A) The facility's Emergency Disaster Plan, addresses fire safety precautions specific to evacuation of bedridden residents in the event of an emergency or disaster.</p> <p>(B) In addition to the requirements specified in Care of Persons with Dementia, the needs of residents with dementia who are bedridden, shall be met.</p> <p>(C) The needs of residents who are terminally ill and who are bedridden shall be met.</p>	<p>T-22, §87606(f)(1)(A)-(C)</p>
<p>T-22, §87208(d) A licensee who accepts or retains bedridden persons shall include additional information in the plan of operation as specified in Section 87606(f).</p>	<p>T-22, §87208(d)</p>
<p>Register of Residents</p>	
<p>T-22, §87508 (a) The licensee shall ensure that a current register of all residents in the facility is maintained and contains the following updated information:</p> <p>(1) The resident's name and ambulatory status as specified in Section 87506(b)(1) and (b)(10).</p> <p>(2) Information on the resident's attending physician as specified in Section 87506(b)(7).</p> <p>(3) Information on the resident's responsible person as specified in Section 87506(b)(6).</p>	<p>T-22, § 87508(a)</p>
<p>T-22, §87508 (b) Registers of residents shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Registers may be removed if necessary for copying. Removal of registers shall be subject to the following requirements:</p> <p>(1) Licensing representatives shall not remove current registers unless the same information is otherwise readily available in another document or format.</p> <p>(2) Prior to removing any registers, a licensing representative shall prepare a list of the registers to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.</p>	<p>T-22, § 87508(b)</p>

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(3) Licensing representatives shall return the registers undamaged and in good order within three business days following the date the records were removed.	
T-22, §87508 (c) The register of current residents shall be kept in a central location at the facility. (1) The register shall be treated as confidential information pursuant to Section 87506(c).	T-22, § 87508(c)
Program Flexibility	
T-22, §87209(a)(1)-(3) The use of alternate concepts, programs, services, procedures, techniques, equipment, space, personnel qualifications or staffing ratios, or the conduct of experimental or demonstration projects shall not be prohibited by these regulations provided that: (1) Such alternatives shall be carried out with provisions for safe and adequate services. (2) A written request for a waiver or exception and substantiating evidence supporting the request shall be submitted in advance to the licensing agency by the applicant or licensee. (3) Prior written approval of the licensing agency shall be received. (A) In determining the merits of each request, the licensing agency shall use as guidelines the standards utilized or recommended by well-recognized state and national organizations as appropriate. (B) The licensing agency shall provide written approval or denial.	T-22, §87209(a)(1)-(3)
T-22, §87209(b) Unless prior written approval of the licensing agency is received, all community care facilities shall maintain continuous compliance with the licensing regulations.	T-22, §87209(b)
Advertising/Promotion/Correspondence	
H&S 1569.68 All residential care facilities shall be required to include their current license number in any public advertisement or correspondence.	H&S 1569.68
H&S 1569.681(a) Each residential care facility for the elderly licensed under this chapter shall reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents.	H&S 1569.681(a)
H&S 1569.681(b)(1)-(6) Advertisements, publications, or announcements subject to the requirements of subdivision (a) referred to herein include, but are not limited to, those contained in the following: (1) Newspaper or magazine. (2) Consumer report. (3) Announcement of intent to commence business. (4) Telephone directory yellow pages. (5) Professional or service directory. (6) Radio or television commercial.	H&S 1569.681(b)(1)-(6)
H&S 1569.627(a)-(j) Any residential care facility for the elderly that advertises or promotes special care, special programming, or a special environment for persons with dementia shall disclose to the department the special features of the facility in its plan of operation. This information shall be provided to the public by the facility upon request. The information shall include a brief narrative description of all of the following facility features: (a) Philosophy, including, but not limited to, program goals. (b) Preadmission assessment.	H&S 1569.627(a)-(j)

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<ul style="list-style-type: none"> (c) Admission. (d) Assessment. (e) Program. (f) Staff. (g) Staff training. (h) Physical environment. (i) Changes in condition, including, but not limited to, when and under what circumstances are changes made to a participant's care plan. (j) Success indicators. 	
T-22, §87206(a) In accordance with Health and Safety Code Sections 1569.68 and 1569.681, licensees shall reveal each facility license number in all public advertisements, including Internet, or correspondence.	T-22, §87206(a)
T-22, §87206(b) Licensees who operate more than one facility and use a common advertisement for these facilities shall be required to list each facility license number in accordance with Health and Safety Code sections 1569.681 and 1569.68.	T-22, §87206(b)
Posting Requirements	
H&S §1569.38(a) Each residential care facility for the elderly shall place in a conspicuous place copies of all licensing reports issued by the department within the preceding 12 months, and all licensing reports issued by the department resulting from the most recent annual visit of the department to the facility. This subdivision shall not apply to any portion of a licensing report referring to a complaint that was found by the department to be unfounded or unsubstantiated. The facility, during the admission process, shall inform the resident and the resident's responsible person in writing that licensing reports are available for review at the facility, and that copies of licensing reports and other documents pertaining to the facility are available from the appropriate district office of the department. The facility shall provide the telephone number and address of the appropriate district office.	H&S §1569.38(a)
H&S §1569.889(a) The personal rights form made available by the department's Community Care Licensing Division to residential care facilities for the elderly shall include a statement regarding procedures for reporting known or suspected elder and dependent adult abuse, including the toll-free telephone number of the State Long-Term Care Ombudsman's CRISISline and a blank space for the telephone number of the nearest approved organization for long-term care ombudsperson activities. A residential care facility for the elderly shall insert in the form's blank space the telephone number of the nearest approved organization for long-term care ombudsperson activities.	H&S §1569.889(a)
T-22, §87113 The license shall be posted in a prominent location in the licensed facility accessible to public view.	T-22, §87113
Reporting Requirements	
H&S §1569.317 Every residential care facility for the elderly, as defined in Section 1569.2, shall, for the purpose of addressing issues that arise when a resident is missing from the facility, develop and comply with an absentee notification plan as part of the written record of the care the resident will receive in the facility, as described in Section 1569.80. The plan shall include and be limited to the following: a requirement that an administrator of the facility, or his or her designee, inform the resident's authorized representative when that resident is missing from the facility and the circumstances in which an administrator of the facility, or his or her designee, shall notify local law enforcement when a resident is missing from the facility.	H&S §1569.317

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<p>T-22, §87211(a) Each licensee shall furnish to the licensing agency such reports as the Department may require, including, but not limited to, the following:</p> <ul style="list-style-type: none"> (1) A written report shall be submitted to the licensing agency and to the person responsible for the resident within seven days of the occurrence of any of the events specified in (A) through (D) below. This report shall include the resident's name, age, sex and date of admission; date and nature of event; attending physician's name, findings, and treatment, if any; and disposition of the case. <ul style="list-style-type: none"> (A) Death of any resident from any cause regardless of where the death occurred, including but not limited to a day program, a hospital, en route to or from a hospital, or visiting away from the facility. (B) Any serious injury as determined by the attending physician and occurring while the resident is under facility supervision. (C) The use of an Automated External Defibrillator. (D) Any incident which threatens the welfare, safety or health of any resident, such as physical or psychological abuse of a resident by staff or other residents, or unexplained absence of any resident. (2) Occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents which threaten the welfare, safety or health of residents, personnel or visitors, shall be reported within 24 hours either by telephone or facsimile to the licensing agency and to the local health officer when appropriate. (3) Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in areas not having organized fire services, within 24 hours to the State Fire Marshal; and no later than the next working day to the licensing agency. 	<p>T-22, §87211(a)(1)-(3)</p>
<p>T-22, §87211(b) Any suspected physical abuse that results in serious bodily injury of an elder or dependent adult shall be reported to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two (2) hours as required by Welfare and Institutions Code Section 15630(b)(1).</p>	<p>T-22, §87211(b)</p>
<p>T-22, §87211(c) Any suspected physical abuse that does not result in serious bodily injury of an elder or dependent adult shall be reported to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within twenty-four (24) hours as required by Welfare and Institutions Code Section 15630(b)(1).</p>	<p>T-22, §87211(c)</p>
<p>T-22, §87211(d) The licensee shall notify the Department, in writing, within thirty (30) days of the hiring of a new administrator. The notification shall include the following:</p> <ul style="list-style-type: none"> (1) Name and residence and mailing addresses of the new administrator. (2) Date he/she assumed his/her position. (3) Description of his/her background and qualifications, including documentation of required education and administrator certification. (A) A photocopy of the documentation is acceptable. 	<p>T-22, §87211(d)(1)-(3)</p>
<p>T-22, §87211(e) Any change in the chief corporate officer of an organization, corporation or association shall be reported to the licensing agency in writing within fifteen (15) working days following such change. Such notification shall include the name, address and the fingerprint card of the new chief executive officer, as required by Section 87355, Criminal Record Clearance.</p>	<p>T-22, §87211(e)</p>
<p>Complaint Procedure (6 Beds & Under)</p>	
<p>H&S §1569.175(a) In addition to any other requirements of this chapter, any residential care facility for the elderly providing residential care for six or fewer persons at which the owner does not reside shall provide a procedure approved by the licensing</p>	<p>H&S §1569.175(a)</p>

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agency for immediate response to incidents and complaints. This procedure shall include a method of assuring that the owner, licensee, or person designated by the owner or licensee is notified of the incident, that the owner, licensee, or person designated by the owner or licensee has personally investigated the matter, and that the person making the complaint or reporting the incident has received a response of action taken or a reason why no action needs to be taken.	
Financing, Bonding, Commingling of Money and Liability Insurance	
H&S §1569.605 On and after July 1, 2015, all residential care facilities for the elderly, except those facilities that are an integral part of a continuing care retirement community, shall maintain liability insurance covering injury to residents and guests in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the total annual aggregate, caused by the negligent acts or omissions to act of, or neglect by, the licensee or its employees.	H&S §1569.605
T-22, §87213 The licensee shall have a financial plan that conforms to the requirements of Section 87155, Application for License, and that assures sufficient resources to meet operating costs for care of residents; shall maintain adequate financial records; and shall submit such financial reports as may be required upon the written request of the licensing agency. Such request shall explain the need for disclosure. The licensing agency reserves the right to reject any financial report and to request additional information or examination including interim financial statements.	T-22, §87213
T-22, §87215 Money and valuables of residents entrusted to the licensee of one community care facility licensed under a particular license number shall not be commingled with those of another community care facility of a different license number, regardless of joint ownership.	T-22, §87215
T-22, §87216(a) Each licensee, other than a county, who is entrusted to safeguard resident cash resources, shall file or have on file with the licensing agency a copy of a bond issued by a surety company to the State of California as principal. (1) The amount of the bond shall be in accordance with the following schedule: Total Safeguarded Per Month \$750 or less \$751 to \$1,500 \$1,501 to \$2,500 Every further increment of \$1,000 or fraction thereof shall require an additional \$1,000 on the bond.	T-22, §87216(a)
T-22, §87216(b) Whenever the licensing agency determines that the amount of the bond is insufficient to adequately protect the money of residents, or whenever the amount of any bond is impaired by any recovery against the bond, the licensing agency may require the licensee to file an additional bond in such amount as the licensing agency determines to be necessary to adequately protect the residents' money.	T-22, §87216(b)
T-22, §87216(c) Each application for a license or renewal of license shall be accompanied by an affidavit on a form provided by the licensing agency. The affidavit shall state whether the applicant/licensee will be entrusted/is entrusted to safeguard or control cash resources of persons and the maximum amount of money to be handled for all persons in any month.	T-22, §87216(c)
T-22, §87216(d) No licensee shall either handle money of a resident or handle amounts greater than those stated in the affidavit submitted by him or for which his bond is on file without first notifying the licensing agency and filing a new or revised bond as required by the licensing agency.	T-22, §87216(d)
Safeguards for Resident Cash, Personal Property, and Valuables	

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T-22, §87217(a) A licensee shall not be required to handle residents' cash resources. However, if a resident incapable of handling his own cash resources, as documented by the initial or subsequent appraisal, is accepted for care, his cash resource shall be safeguarded in accordance with the regulations in this section.	T-22, §87217(a)
T-22, §87217(b) Every facility shall take appropriate measures to safeguard residents' cash resources, personal property and valuables which have been entrusted to the licensee or facility staff. The licensee shall give the residents receipts for all such articles or cash resources.	T-22, §87217(b)
T-22, §87217(c) Every facility shall account for any cash resources entrusted to the care or control of the licensee or facility staff. (1) Cash resources include but are not limited to monetary gifts, tax credits and/or refunds, earnings from employment or workshops, and personal and incidental need allowances from funding sources such as SSI-SSP.	T-22, §87217(c)
T-22, §87217(d) Except as provided in approved continuing care agreements, no licensee or employee of a facility shall: (1) accept appointment as a guardian or conservator of the person and/or estate of any resident; (2) accept any general or special power of attorney for any such person; (3) become substitute payee for any payments made to any persons; (A) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the resident. (4) become the joint tenant on any account specified in Section 87217(h) with a resident.	T-22, §87217(d)(1)-(4)
T-22, §87217(e) Cash resources and valuables of residents which are handled by the licensee for safekeeping shall not be commingled with or used as the facility funds or petty cash, and shall be separate, intact and free from any liability the licensee incurs in the use of his own or the facility's funds and valuables. This does not prohibit the licensee from providing advances or loans to residents from facility money.	T-22, §87217(e)
T-22, §87217(f) No licensee or employee of a facility shall make expenditures from residents' cash resources for any basic service specified in this Chapter, or for any basic services identified in a contract/admission agreement between the resident and facility. (1) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for the resident.	T-22, §87217(f)
T-22, §87217(g) Each licensee shall maintain adequate safeguards and accurate records of cash resources and valuables entrusted to his care, including, but not limited to the following: (1) Records of residents' cash resources maintained as a drawing account shall include a ledger accounting (columns for income, disbursements and balance) for each resident, and supporting receipts filed in chronological order. Each accounting shall be kept current. (A) An acceptable receipt where cash is provided to residents from their respective accounts, includes: the resident's signature or mark, or responsible party's full signature, and a statement acknowledging receipt of the amount and date received. An acceptable form of receipt would include: “(full signature of resident) accepts (dollar amount) (amount written in cursive), this date (date), from (payor).” (B) An acceptable receipt where purchases are made for the resident, from his account, is the store receipt. (2) Records of residents' cash resources and other valuables entrusted to the licensee for safekeeping shall include a copy of the receipt furnished to the resident as specified in (b) above or to his responsible person. The receipt provided to the resident for money or valuables entrusted to the licensee shall be original and include the resident's and/or his responsible person's signature.	T-22, §87217(g)(1)-(3)

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(3) Bank records for transactions of cash resources deposited in and drawn from the account as specified in (h) below.	
<p>T-22, §87217(h) Immediately upon admission, residents' cash resources entrusted to the licensee and not kept in the licensed facility shall be deposited in any type of bank, savings and loan or credit union account, which is maintained separate from the personal or business accounts of the licensee, provided that the account title clearly notes that it is residents' money and the resident has access to the money upon demand to the licensee.</p> <p>(1) Such accounts shall be maintained in a local bank, savings and loan or credit union authorized to do business in California, the deposits of which are insured by a branch of the Federal Government; except, however, that a local public agency may deposit such funds with the public treasurer.</p> <p>(2) Cash resources entrusted to the licensee for residents and kept on the facility premises shall be kept in a locked and secure location.</p>	T-22, §87217(h)(1)-(2)
<p>T-22, §87217(i) Upon discharge of a resident, all cash resources, personal property and valuables of that resident which have been entrusted to the licensee shall be surrendered to the resident, or his responsible person. A signed receipt shall be obtained.</p>	T-22, §87217(i)
<p>T-22, §87217(j) Upon the death of a resident, all cash resources, personal property, and valuables of that resident shall immediately be safeguarded.</p> <p>(1) All cash resources shall be placed in an account as specified in (g) above.</p> <p>(2) The executor or the administrator of the estate shall be notified by the licensee, and the cash resources, personal property, and valuables surrendered to said party.</p> <p>(3) If no executor or administrator has been appointed, the responsible person shall be notified, and the cash resources, personal property, and valuables shall be surrendered to said person in exchange for a signed itemized receipt.</p> <p>(4) If the licensee is unable to notify a responsible party as specified above, immediate written notice of the resident's death shall be given to the public administrator of the county as provided by Section 1145 of the California Probate Code.</p>	T-22, §87217(j)(1)-(4)
<p>T-22, §87217(k) Whenever there is a change of licensee, the licensee shall:</p> <p>(1) notify the licensing agency of any pending change of licensee, and</p>	T-22, §87217(k)(1)
<p>T-22, §87217(k) Whenever there is a change of licensee, the licensee shall:</p> <p>(2) shall provide the licensing agency an accounting of all residents' cash resources, personal property and valuables entrusted to his/her care. Such accounting shall be made on a form provided or approved by the Department.</p>	T-22, §87217(k)(2)
<p>T-22, §87217(l) When the licensing agency approves the application for the new licensee, the form specified in (2) above shall be updated, signed by both parties, and forwarded to the licensing agency.</p>	T-22, §87217(l)
<p>T-22, §87217(m) All monetary gifts, and any gift exceeding an estimated value of \$100, which are given to a licensee by or on behalf of a resident shall be recorded. The record shall be attached to the account specified in (f) above. This shall not include monetary gifts or valuables given by the friends or relatives of a deceased resident.</p>	T-22, §87217(m)
<p>H&S 1569.153 A theft and loss program shall be implemented by the residential care facilities for the elderly within 90 days after January 1, 1989. The program shall include all of the following:</p>	H&S 1569.153
<p>H&S 1569.153(a) Establishment and posting of the facility's policy regarding theft and investigative procedures.</p>	H&S 1569.153(a)
<p>H&S 1569.153(b) Orientation to the policies and procedures for all employees within 90 days of employment.</p>	H&S 1569.153(b)

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<p>H&S 1569.153(c)(1)-(5) Documentation of lost and stolen resident property with a value of twenty-five dollars (\$25) or more within 72 hours of the discovery of the loss or theft. The documentation shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (1) A description of the article. (2) Its estimated value. (3) The date and time the theft or loss was discovered. (4) If determinable, the date and time the loss or theft occurred. (5) The action taken. 	H&S 1569.153(c)(1)-(5)
<p>H&S 1569.153(d) A written resident personal property inventory is established upon admission and retained during the resident's stay in the residential care facility for the elderly.</p>	H&S 1569.153(d)
<p>H&S 1569.153(e) Inventory and surrender of the resident's personal effects and valuables upon discharge to the resident or authorized representative in exchange for a signed receipt.</p>	H&S 1569.153(e)
<p>H&S 1569.153(f) Inventory and surrender of personal effects and valuables following the death of a resident to the authorized representative in exchange for a signed receipt.</p>	H&S 1569.153(f)
<p>H&S 1569.153(g) Documentation, at least semiannually, of the facility's efforts to control theft and loss, including the review of theft and loss documentation and investigative procedures and results of the investigation by the administrator and, when feasible, the resident council.</p>	H&S 1569.153(g)
<p>H&S 1569.153(h) Establishment of a method of marking, to the extent feasible, personal property items for identification purposes upon admission and, as added to the property inventory list, including engraving of dentures and tagging of other prosthetic devices.</p>	H&S 1569.153(h)
<p>H&S 1569.153(i) Reports to the local law enforcement agency within 36 hours when the administrator of the facility has reason to believe resident property with a then current value of one hundred dollars (\$100) or more has been stolen. Copies of those reports for the preceding 12 months shall be made available to the State Department of Social Services and law enforcement agencies.</p>	H&S 1569.153(i)
<p>H&S 1569.153(j) Maintenance of a secured area for residents' property which is available for safekeeping of resident property upon the request of the resident or the resident's responsible party. Provide a lock for the resident's bedside drawer or cabinet upon request of and at the expense of the resident, the resident's family, or authorized representative. The facility administrator shall have access to the locked areas upon request.</p>	H&S 1569.153(j)
<p>H&S 1569.153(k) A copy of this section and Sections 1569.152 and 1569.154 is provided by a facility to all of the residents and their responsible parties, and, available upon request, to all of the facility's prospective residents and their responsible parties.</p>	H&S 1569.153(k)
<p>H&S 1569.153(l) Notification to all current residents and all new residents, upon admission, of the facility's policies and procedures relating to the facility's theft and loss prevention program.</p>	H&S 1569.153(l)
<p>H&S 1569.153(m) Only those residential units in which there are no unrelated residents and where the unit can be secured by the resident or residents are exempt from the requirements of this section.</p>	H&S 1569.153(m)
<p>T-22, §87218(a) The licensee shall ensure an adequate theft and loss program as specified in Health and Safety Code Section 1569.153.</p> <ul style="list-style-type: none"> (1) The initial personal property inventory shall be completed by the licensee and the resident or the resident's representative. 	T-22, §87218(a)(1)-(3)

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<p>(2) A licensee who fails to make reasonable efforts to safeguard resident property, shall reimburse a resident for or replace stolen or lost resident property at its current value. The licensee shall be presumed to have made reasonable efforts to safeguard resident property if there is clear and convincing evidence of efforts to meet each requirement specified in Section 1569.153.</p> <p>(A) A civil penalty shall be levied if the licensee or facility staff have not implemented a theft and loss program, or if the licensee has not shown clear and convincing evidence of its efforts to meet all of the requirements set forth in Section 1569.153.</p> <p>(3) The facility contract of admission, including all documents a resident or his or her representative must sign as a condition of admission, shall not require or suggest a lesser standard of responsibility for the personal property of residents than the law requires.</p>	
Planned Activities	
<p>T-22, §87219(d) In facilities licensed for seven (7) or more persons, notices of planned activities shall be posted in a central location readily accessible to residents, relatives, and representatives of placement and referral agencies. Copies shall be retained for at least six (6) months.</p>	<p>T-22, §87219(d)</p>
<p>T-22, §87219(e) In facilities licensed for sixteen (16) to forty-nine (49) persons, one staff member, designated by the administrator, shall have primary responsibility for the organization, conduct and evaluation of planned activities. This person shall have had at least six (6) month's experience in providing planned activities or have completed or be enrolled in an appropriate education or training program.</p>	<p>T-22, §87219(e)</p>
<p>T-22, §87219(f) In facilities licensed for fifty (50) persons or more, one staff member shall have full-time responsibility to organize, conduct and evaluate planned activities, and shall be given such staff assistance as necessary in order for all residents to participate in accordance with their interests and abilities. The program of activities shall be written, planned in advance, kept up-to-date, and made available to all residents. The responsible employee shall have had at least one year of experience in conducting group activities and be knowledgeable in evaluating resident needs, supervising other employees, and in training volunteers.</p> <p>(1) An exception to this requirement may be made by the licensing agency upon the facility's presentation in writing of a satisfactory alternative plan.</p> <p>(2) Where the facility can demonstrate that its residents are self-directed to the extent that they are able to plan, organize and conduct the facility's activity program themselves, this requirement may be reduced or waived by the licensing agency.</p>	<p>T-22, §87219(f)(1)-(2)</p>
<p>T-22, §87219(h) Facilities shall provide sufficient space to accommodate both indoor and outdoor activities. Activities shall be encouraged by provision of:</p> <p>(1) A comfortable, appropriately furnished area such as a living room, available to all residents for their relaxation and for entertaining friends and relatives.</p> <p>(2) Outdoor activity areas which are easily accessible to residents and protected from traffic. Gardens or yards shall be sufficient in size, comfortable, and appropriately equipped for outdoor use.</p>	<p>T-22, §87219(h)(1)-(2)</p>
<p>T-22, §87219(i) Facilities shall provide sufficient equipment and supplies to meet the requirements of the activity program including access to daily newspapers, current magazines and a variety of reading materials. Special equipment and supplies necessary to accommodate physically handicapped persons or other persons with special needs shall be provided as appropriate.</p>	<p>T-22, §87219(i)(1)</p>

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(1) When not in use, recreational equipment and supplies shall be stored where they do not create a hazard to residents.	
Resident Councils	
H&S §1569.157(a) Every licensed residential care facility for the elderly, at the request of two or more residents, shall assist the residents in establishing and maintaining a single resident council at the facility. The resident council shall be composed of residents of the facility. Family members, resident representatives, advocates, long-term care ombudsman program representatives, facility staff, or others may participate in resident council meetings and activities at the invitation of the resident council.	H&S §1569.157(a)
H&S §1569.157(f) Facilities shall promote resident councils as follows: <ul style="list-style-type: none"> (1) If a facility has a resident council, the facility shall inform new residents of the existence of the resident council. The facility shall also provide information on the time, place, and dates of resident council meetings and the resident representative to contact regarding involvement in the resident council. (2) If a facility has a resident council and a licensed capacity of 16 or more, the facility shall appoint a designated staff liaison to assist the resident council, make a room available for resident council meetings, and post meeting information in a central location readily accessible to residents, relatives, and resident representatives. (3) If a facility does not have a resident council, upon admission, the facility shall provide written information on the resident's right to form a resident council to the resident and the resident representative, as indicated in the admissions agreement. (4) Upon request, and with the permission of the resident council, the facility shall share the name and contact information of the designated representative of the resident council with the long-term care ombudsman program. 	H&S §1569.157(f)(1)-(4)
H&S §1569.157(h) The text of this section with the heading "Rights of Resident Councils" shall be posted in a prominent place at the facility accessible to residents, family members, and resident representatives.	H&S §1569.157(h)
Family Councils	
H&S §1569.158(a) A residential care facility for the elderly shall not prohibit the formation of a family council. When requested by a member of the resident's family or the resident representative, a family council shall be allowed to meet in a common meeting room of the facility during mutually agreed upon hours.	H&S §1569.158(a)
H&S §1569.158(d) Family councils shall be provided adequate space on a prominent bulletin board or other posting area for the display of meeting notices, minutes, information, and newsletters.	H&S §1569.158(d)
H&S §1569.158(g)(1) If a facility has a family council, the facility shall include notice of the family council and its meetings to family members and resident representatives in routine mailings and shall inform family members and resident representatives of new and current residents who are identified on the admissions agreement during the admissions process or in the resident's records, of the existence of the family council, the time and place of meetings of the family council, and the name of the family council representative. <ul style="list-style-type: none"> (2) If a facility does not have a family council, the facility shall provide, upon admission of a new resident, written information to the resident's family or resident representative of their right to form a family council. (3) Upon request, and with the permission of the family council, the facility shall share the name and contact information of the designated representative of the family council with the long-term care ombudsman program. 	H&S §1569.158(g)(1)-(3)

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Requirements for Emergency Adult Protective Services Placements.	
<p>T-22, §87222(a) The licensee shall be permitted to accept emergency placements by an adult protective services (APS) agency, if the licensee has received approval from the Department to provide emergency shelter services.</p> <p>(1) To obtain approval, the licensee shall submit a written request to the Department. The request shall include, but not be limited to, the following:</p> <p>(A) A letter of interest from the county APS agency stating that if the request to provide emergency shelter services is approved, the APS agency may enter into an agreement with the licensee to provide such services.</p> <p>1. A copy of the written agreement between the APS agency and the licensee, listing the responsibilities of each party, shall be sent to the Department within seven calendar days of signing.</p> <p>(B) A written addendum to the Plan of Operation, specified in Section 87208, Plan of Operation that includes procedures for the intake of an APS emergency placement. The addendum shall specify how the licensee will meet the needs of a resident placed on an emergency basis, such as on-call staff, additional staff and training.</p> <p>1. The procedures shall include, but not be limited to, provisions for a private room.</p> <p>a. The licensee shall provide a private room for the resident until a pre-admission appraisal of the resident's individual service needs has been completed, specified in Section 87457, Pre-admission Appraisal.</p> <p>b. The Department may approve an alternative to a private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other residents of the facility.</p> <p>(C) A licensee of a residential care facility for the elderly may accept an adult resident, 18 through 59 years of age, for emergency placement under the following conditions:</p> <p>1. The APS agency has written a statement indicating a local need exists for the licensee to accept emergency placements of adults 18 through 59 years of age.</p> <p>a. The licensee attaches this APS statement of local need [Section 87222(a)(1)(C)1.] to the written request, specified in Section 87222(a)(1).</p> <p>b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section 87222(a)(1)(C)1., and submit the statement to the Department.</p>	T-22, §87222(a)(1)
<p>T-22, §87222(c) The licensee shall comply with the regulations in Title 22, Division 6, Chapter 8 (Residential Care Facilities for the Elderly), unless otherwise stated in Section 87222, Requirements for Emergency Adult Protective Services Placements. These regulations include, but are not limited to, the following:</p> <p>(1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory residents to be used by nonambulatory residents, as specified in Section 87204, Limitations - Capacity and Ambulatory Status.</p> <p>(2) The licensee shall meet the requirements in Section 87202 on fire clearance if the licensee has accepted a nonambulatory resident, defined in Section 87101(n).</p>	T-22, §87222(c)(1)-(2)
<p>T-22, §87222(d) The licensee shall not accept the following persons as APS emergency placements:</p> <p>(1) Individuals with prohibited health conditions [Section 87615, Prohibited Health Conditions].</p>	T-22, §87222(d)(1)-(7)

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<p>(2) Individuals with restricted health conditions [Section 87612, Restricted Health Conditions].</p> <p>(A) The licensee may accept an APS emergency placement who is incontinent when the requirements in Section 87625, Managed Incontinence, are met.</p> <p>(3) Individuals who are receiving hospice care [Section 87633, Hospice Care for Terminally Ill Residents].</p> <p>(4) Individuals who have active communicable tuberculosis [Section 87455(c)(1)].</p> <p>(5) Individuals who require 24-hour, skilled nursing or intermediate care [Section 87455(c)(2)].</p> <p>(6) Individuals whose primary need for care and supervision results from an ongoing behavior, caused by a mental disorder, that would upset the general resident group [Section 87455(c)(3)(A)].</p> <p>(7) Individuals who are bedridden, as defined in Section 87455(d).</p>	
T-22, §87222(e) If a licensee accepts an APS emergency placement with dementia, the licensee shall meet the requirements in Section 87705, Care of Persons with Dementia.	T-22, §87222(e)
T-22, §87222(f) The licensee shall not admit an APS emergency placement unless the APS worker is present at the facility at the time of admission.	T-22, §87222(f)
<p>T-22, §87222(g) Prior to acceptance of an APS emergency placement, the licensee shall obtain and keep on file the following information received from the APS worker:</p> <p>(1) Resident's name.</p> <p>(2) Resident's ambulatory status.</p> <p>(3) Name(s) and telephone number(s) of the resident's physician(s).</p> <p>(4) Name(s), business address(es), and telephone number(s) of the APS worker responsible for the resident's placement and the APS case worker, if known.</p> <p>(5) Name, address, and telephone number of any person responsible for the care of the resident, if available.</p>	T-22, §87222(g)(1)-(5)
<p>T-22, §87222(h) Within seven calendar days of an APS emergency placement, the licensee shall obtain other resident information specified in Section 87506, Resident Records.</p> <p>(1) The resident must have a tuberculosis test [Section 87458(b)(1)] by the seventh day of placement even though the test results may not be available by the seventh day of placement.</p>	T-22, §87222(h)(1)
<p>T-22, §87222(i) The licensee shall contact the resident's attending physician or the person authorized to act for the physician to identify all of the resident's prescribed medications and usage instructions [Section 87458(b)(3)] by the next working day, but no later than 72 hours from the initial APS emergency placement.</p> <p>(1) The attending physician or the person acting for the physician shall have access to the resident's records to determine whether the full medication regimen is accounted for and accurate.</p> <p>(2) If medication verification, as specified in Section 87222(i), has not been obtained within 72 hours from the resident's initial placement, the licensee shall contact the APS worker to request that the resident be relocated, as specified in Section 87222(j).</p>	T-22, §87222(i)(1)-(2)
<p>T-22, §87222(j) The licensee shall contact the APS worker to request that the resident be relocated immediately when the licensee identifies that needs cannot be met or that the resident has a condition specified in Section 87222(d).</p> <p>(1) A licensee cannot retain a resident under age 60 beyond 30 calendar days from initial placement by the APS agency, unless the acceptance and retention requirement provided in Section 87455(b)(6) is met.</p>	T-22, §87222(j)

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T-22, §87222(k) Within seven calendar days of the licensee making any changes to an agreement with an APS agency, the licensee shall notify the Department in writing of these changes, which may include a renewed agreement, amended language and/or notification of a terminated agreement.	T-22, §87222(k)
T-22, §87222(l) All emergency placements are subject to the same record requirements as set forth in Section 87506(d).	T-22, §87222(l)
Relocation of Residents	
T-22, §87223(a) When a resident must be relocated by Department order whether individual health-condition relocations pursuant to Section 87637, Health Condition Relocation Order, or temporary suspension orders pursuant to Section 87775(c), the licensee shall not obstruct the relocation process and shall cooperate with the Department in the relocation process. Such cooperation shall include, but not be limited to, the following activities: <ul style="list-style-type: none"> (1) Identifying and preparing for removal of the medications, Medi-Cal or Medicare or other medical insurance documents, clothing, safeguarded cash resources, valuables and other belongings of the resident. (2) Contacting the person responsible for the resident to assist in transporting him or her, if necessary. (3) Contacting other suitable facilities for placement, if necessary. (4) Providing access to resident's files when required by the Department. 	T-22, §87223(a)(1)-(4)
Eviction Procedures	
H&S §1569.683(a) In addition to complying with other applicable regulations, a licensee of a residential care facility for the elderly who sends a notice of eviction to a resident shall set forth in the notice to quit the reasons relied upon for the eviction, with specific facts to permit determination of the date, place, witnesses, and circumstances concerning those reasons. In addition, the notice to quit shall include all of the following: <ul style="list-style-type: none"> (1) The effective date of the eviction. (2) Resources available to assist in identifying alternative housing and care options, including public and private referral services and case management organizations. (3) Information about the resident's right to file a complaint with the department regarding the eviction, with the name, address, and telephone number of the nearest office of community care licensing and the State Ombudsman. (4) The following statement: "In order to evict a resident who remains in the facility after the effective date of the eviction, the residential care facility for the elderly must file an unlawful detainer action in superior court and receive a written judgment signed by a judge. If the facility pursues the unlawful detainer action, you must be served with a summons and complaint. You have the right to contest the eviction in writing and through a hearing." 	H&S §1569.683(a)(1)-(4)
H&S §1569.683(b) The licensee, in addition to either serving a 30-day notice, or seeking approval from the department and serving three days' notice, on the resident, shall notify, or mail a copy of the notice to quit to, the resident's responsible person.	H&S §1569.683(b)
T-22, §87224(a) The licensee may, upon thirty (30) days written notice to the resident, evict the resident for one or more of the following reasons: <ul style="list-style-type: none"> (1) Nonpayment of the rate for basic services within ten days of the due date. (2) Failure of the resident to comply with state or local law after receiving written notice of the alleged violation. (3) Failure of the resident to comply with general policies of the facility. Said general policies must be in writing, must be for the purpose of making it possible for residents to live together and must, be made part of the admission agreement. 	T-22, §87224(a)(1)-(5)

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<p>(4) If, after admission, it is determined that the resident has a need not previously identified and a reappraisal has been conducted pursuant to Section 87463, and the licensee and the person who performs the reappraisal believe that the facility is not appropriate for the resident.</p> <p>(5) Change of use of the facility.</p>	
<p>T-22, §87224(b) The licensee may, upon obtaining prior written approval from the licensing agency, evict the resident upon three (3) days written notice to quit. The licensing agency may grant approval for the eviction upon a finding of good cause. Good cause exists if the resident is engaging in behavior which is a threat to the mental and/or physical health or safety of himself or to the mental and/or physical health or safety of others in the facility.</p>	<p>T-22, §87224(b)</p>
<p>T-22, §87224(c) The licensee shall, in addition to either serving thirty (30) days' notice or seeking approval from the Department and serving three (3) days' notice on the resident, notify or mail a copy of the notice to quit to the resident's responsible person.</p>	<p>T-22, §87224(c)</p>
<p>T-22, §87224(d) The licensee shall set forth in the notice to quit the reasons relied upon for the eviction with specific facts to permit determination of the date, place, witnesses, and circumstances concerning those reasons.</p> <p>(1) The notice to quit shall include the following information:</p> <p>(A) The effective date of the eviction.</p> <p>(B) Resources available to assist in identifying alternative housing and care options which include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Referral services that will aid in finding alternative housing. 2. Case management organizations which help manage individual care and service needs. <p>(C) A statement informing residents of their right to file a complaint with the licensing agency, as specified in Section 87468, subsection (a)(4), including the name, address and telephone number of the licensing office with whom the licensee normally conducts business, and the State Long Term Care Ombudsman office.</p> <p>(D) The following exact statement as specified in Health and Safety Code Section 1569.683(a)(4): "In order to evict a resident who remains in the facility after the effective date of the eviction, the residential care facility for the elderly must file an unlawful detainer action in superior court and receive a written judgment signed by a judge. If the facility pursues the unlawful detainer action, you must be served with a summons and complaint. You have the right to contest the eviction in writing and through a hearing."</p>	<p>T-22, §87224(d)</p>
<p>T-22, §87224(f) A written report of any eviction shall be sent to the licensing agency within five (5) days.</p>	<p>T-22, §87224(f)</p>
<p>T-22, §87224(i) Nothing in Section 87224 precludes the licensee from initiating the urgent relocation to a licensed health facility of a terminally ill resident receiving hospice services when the resident's condition has changed and a joint determination has been made by the Department, the resident or resident's health care surrogate decision maker, the resident's hospice agency, a physician, and the licensee, that the resident's continued retention in the facility poses a health and safety risk to the resident or any other facility resident.</p> <p>(1) The licensee shall follow the procedures specified in Section 87637(b)(2) to reduce the risk of transfer trauma.</p>	<p>T-22, §87224(i)(1)</p>